

Attorney Docket No.: 31017-01

NOV
27
1995

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"Methods of Modulating the Immune Systems of Animals with Compositions of Products Released by Stressd Microorganisms"

the specification of which
[] is attached hereto.

[] was filed on as PCT international Application Number on and was amended under PCT Article 19 on (if applicable).

[x] was filed on August 18, 1995 as U.S. Patent Application Serial No. 08/517,016

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having filing a date before that of the application(s) of which priority is claimed:

<u>PRIOR FOREIGN APPLICATION(S)</u>			
<u>Country</u>	<u>Number</u>	<u>Day/Month/ Year Filed</u>	<u>Priority Claimed Yes No</u>
			[] []
			[] []

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
U.S. 08/376,175	January 20, 1995	Pending
U.S. 08/059,745	May 11, 1993	Abandoned

I hereby appoint Joseph H. Paquin, Jr. (Reg. No. 31,647), Margaret M. Duncan (Reg. No. 30,879), Kevin T. Conroy (Reg. No. 38,113) and John G. Bisbikis (Reg. No. 37,062) members of the bar of the State of Illinois, of the firm McDermott, Will & Emery using the address 227 West Monroe Street, Chicago, Illinois 60606-5096 (Telephone 312/372-2000), my attorneys, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith. It is requested that all correspondence be directed to:

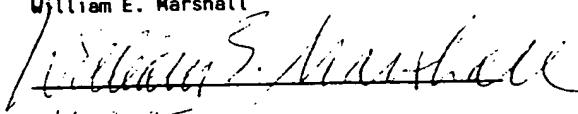
MARGARET M. DUNCAN
McDERMOTT, WILL & EMERY
227 West Monroe Street
Chicago, Illinois 60606-5096

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of
sole or first
inventor:

William E. Marshall

Inventor's
Signature:



Date:

11-8-95

Residence: 112 Succabone Road, Bedford Hills, New York 10507

Citizenship: United States

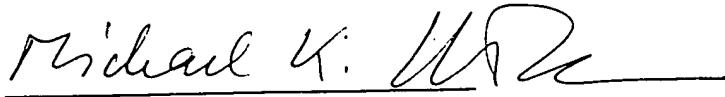
Post Office
Address:

112 Succabone Road, Bedford Hills, New York 10507

Full name of
second joint
inventor:

Michael K. Hoffmann

Second
Inventor's
Signature:



Date:

11-8-1995

Residence: 132 Greene Street, New York, New York 10012

Citizenship: United States

Post Office
Address:

132 Greene Street, New York, New York 10012

Full name of
third joint
inventor:

Third
Inventor's
Signature:



Date:

Residence:

Citizenship:

Post Office
Address:

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Applicant or Patentee: William E. Marshall

Serial or Patent No.: 08/517,016

Filed or Issued: August 18, 1995

For: Methods of Modulating the Immune Systems of Animals with Compositions of Products Released by Stressed Microorganisms

Attorney's
Docket No.: 31017-011

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled by inventor(s) described in

- [] the specification filed herewith
[x] application serial no. 08/517,016, filed August 18, 1995.
[] patent no. .

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____ **ADDRESS:** _____

NAME: _____ **ADDRESS:** _____

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE OF PERSON OTHER THAN OWNER
ADDRESS OF PERSON SIGNING

William E. Marshall

112 Succabone Road
Bedford Hills, N.Y. 10507

SIGNATURE ██████████



RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Off.**PATENTS ONLY**

31071-011

Tab settings □ □ □ ▼

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

William E. Marshall
Michael K. HoffmanAdditional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Security Agreement | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____ | |

Execution Date: _____

2. Name and address of receiving party(ies)

Name: Immunom Technologies, Inc.

Internal Address: _____

Street Address: 112 Succabone RoadCity: Bedford Hills State: NY ZIP: 10501Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 11/8/95

A. Patent Application No.(s)

08/517,016

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: JOHN G. BISBIKISInternal Address: McDermott, Will & Emery6. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$40.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

13-0206

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John G. Bisbikis

Name of Person Signing

Signature

11/22/95

Date

Total number of pages including cover sheet, attachments, and document:

-2-

Attorney Docket No.: 31017-011

ASSIGNMENT OF INVENTION

Serial No.: 08/517,016

Filed: August 18, 1995

In consideration of One Dollar and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s) to Immunom Technologies, Inc., 112 Succabone Road, Bedford Hills, New York 10507, its successors, assigns and legal representatives (hereinafter called "said assignee") the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, titled "Methods of Modulating the Immune Systems of Animals with Compositions of Products Released by Stressed Microorganisms" executed by the undersigned on the 5 day of October, 1995, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent, of the United States which may be obtained on any of said applications, and in any reissue or extension thereof.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee and authorize(s) and request(s) the attorney(s) of record in said application to insert in this assignment the date and serial number of said application.

For said considerations, the undersigned hereby agree(s) upon the request and at the expense of said assignee, to execute any divisional, continuation or substitute application for said invention or improvements, and any oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and, in the event of any application or Letters Patent assigned herein becoming involved in Interference, to co-operate to the best of the ability of the undersigned in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof. The undersigned agree(s) to perform, upon request, any affirmative acts to obtain said Letters Patent of the United States and vest in said assignee all rights therein, whereby said Letters Patent will be held and enjoyed by said assignee, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

And for said considerations, the undersigned hereby assign(s) to said assignee the entire right, title and interest in said invention or improvements for all foreign countries, including all priority rights under the International Convention, and agree(s) to execute, at the request of said assignee, all documents in connection with any application for foreign letters patent therefor.

Dated: 11/14/95

Dated: 11-10-95

STATE OF New York)
) ss.

COUNTY OF Westchester

Before me, a Notary Public in and for the County and State aforesaid, appeared to me personally known to be the same person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged that he (they) executed said instrument as his (their) free and voluntary act and for the uses and purposes therein expressed.

William S. Marshall
William S. Marshall
Michael K. Hoffmann
Michael K. Hoffmann

Melody Thompson 11/14/95
Notary Public, State of New York
Expires MELODY THOMPSON No. A395110
Notary Public, State of New York
Qualified in Westchester County
Commission Expires AUG. 5, 1997